

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ATMEL CORPORATION, a Delaware corporation; ATMEL SWITZERLAND, a corporation; ATMEL FRANCE, a corporation; and ATMEL SARL, a corporation,

Plaintiffs,

V.

AUTHENTEC, INC., a Delaware corporation,

Defendant.

AUTHENTEC, INC., a Delaware Corporation,

Plaintiff,

V.

ATMEL CORPORATION, a Delaware corporation; ATMEL SWITZERLAND, a corporation; ATMEL FRANCE, a corporation; and ATMEL SARL, a corporation.

Defendants

Case Nos. C 06-02138 CW (EDL)
and 4:07-cv-03331-CW

STIPULATION AND ORDER OF CONDITIONAL DISMISSAL

1 WHEREAS, the following related actions are presenting pending before this Court: Atmel
2 Corp. et al. v. AuthenTec, Inc., Case No. C 06-02138 CW (EDL), and AuthenTec, Inc. v. Atmel
3 Corp. et al., Case No. 4:07-cv-03331-CW (related case).

4 WHEREAS, the parties have reached a settlement in principle of the Actions and all claims,
5 counterclaims, and outstanding issues therein, and are currently in the process of reducing the
6 agreement to writing;

7 WHEREAS, for the sake of judicial economy and efficiency, the parties desire to conserve
8 judicial resources and minimize any burden to the Court;

9 Therefore, the parties hereby stipulate and respectfully request an order conditionally
10 dismissing the case as follows:

11 1. The parties to this action having represented to the Court that they have reached a
12 settlement in principle of all outstanding issues in the Actions, and Magistrate Judge Elizabeth
13 Laporte having been advised of the parties' present Stipulation, the Actions are conditionally
14 dismissed.

15 2. However, that if any party hereto certifies to this Court, with proof of service of a
16 copy thereon on opposing counsel, within thirty-five (35) days of the date of this Order, that
17 finalization of the settlement has not in fact occurred, the foregoing order shall be vacated and this
18 cause shall forthwith be restored to the calendar for further proceedings.

19 3. Upon execution of an agreement fully resolving the Actions, the parties will file a
20 Stipulated Dismissal with prejudice, at which time, the Clerk shall be directed to close the files in the
21 Actions.

1 **STIPULATED AND AGREED.**

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3 DATED: July 14, 2008

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14
15 Attorneys for Atmel Corporation;
16 Atmel Switzerland;
17 Atmel France; and
18 Atmel SARL

19 DATED: July 14, 2008

20 By: *s/ Denise De Mory*

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29 Attorneys for AuthenTec, Inc.

1 **IT IS SO ORDERED.**

2 7/29/08

3 DATED: _____



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5 United States District Judge
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